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December 12, 2008

Flinn Fagg  
City of Las Vegas Planning & Development  
731 S. Fourth Street  
Las Vegas, NV 89101

**Re: Justification Letter – Site Development Plan Review for a Non  
Restricted Gaming Establishment  
Forest City Commercial Group/City of Las Vegas  
APN # 139-34-110-005**

Dear Flinn:

This office represents the applicant in the above referenced matter. This application is a site development plan review for a Resort Hotel and Non Restricted Gaming Establishment on approximately 7.5 ("Parcels P&Q") acres within Union Park. In addition, the applicant is requesting a special use permit to allow building heights within the airport overlay.

The proposed site development plan is consistent with what was previously approved within Union Park. Specifically, the applicant is proposing the following building program:

Casino	120,000 Square Feet
Retail	90,000 Square Feet
Restaurants	50,000 Square Feet
Meeting Rooms	100,000 Square Feet
Spa/Health Club	20,000 Square Feet
Pool	20,000 Square Feet
Lobby/Circulation/B.O.H.	200,000 Square Feet
Hotel (1,000 Rooms)	1,000,000 Square Feet
Parking Garage (800,000 Sq. Ft.)	2,300 Parking Spaces

Concurrently with the proposed site development plan review, the City of Las Vegas has submitted an application to rezone (ZON-31384) the subject site to refine the existing Union Park Gaming Enterprise District so that the Gaming Overlay designation is limited to Parcels P&Q. The rezoning application contains supplemental information addressing each of the State law requirements applicable to establishment of a Gaming Enterprise District. Through reports



and analysis prepared by the City of Las Vegas as well as third party experts, the supplemental information addresses compliance with the following:

**(a) The roads, water, sanitation, utilities and related services to the location are adequate:** Documentation has been prepared and submitted addressing adequacy of existing and planned infrastructure;

**(b) The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods:** Documentation has been prepared and submitted addressing adequacy of public services;

**(c) The proposed establishment will enhance, expand and stabilize employment and the local economy;** An economic impact report prepared by the City of Las Vegas and reviewed by an independent third party outlining the economic benefit of proposed establishment has been submitted;

**(d) The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;** The proposed site is currently designated a Gaming Enterprise District and the proposed rezoning is consistent with the City of Las Vegas General Plan designation for the subject site;

**(e) The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area;** Supplemental information submitted in support of the rezoning request along with information that will be submitted and addressed at the public hearing on the application evidence that the proposed development will not be detrimental to the health, safety or general welfare of the community nor will it be incompatible with the surrounding area;

**(f) On the date that the application was filed, the property line of the proposed establishment was not less than:**

**(1) Five hundred feet from the property line of a developed residential district; and**

**(2) Fifteen hundred feet from the property line of a public school, private school or structure used primarily for religious services or worship; and**

Surveys prepared and submitted by licensed technical professionals reflect that the proposed site meets the above referenced distance separation requirements;

**(g) The proposed establishment will not adversely affect:**

**(1) A developed residential district; or**

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**(2) A public school, private school or structure used primarily for religious services, whose property line is within 2,500 feet from the property line of the proposed establishment.**

Supplemental information submitted in support of the rezoning request along with information that will be submitted and addressed at the public hearing on the application evidence that the proposed development will not adversely affect a developed residential district or a public school, private school or structure used primarily for religious services, whose property line is within 2,500 feet from the property line of the proposed establishment.

With respect to the proposed use permit, the airport overlay is adopted to ensure that buildings that would penetrate navigable airspace are appropriately considered and approved by the Federal Aviation Administration ("FAA"). This height is consistent with existing and or approved building heights in the vicinity. The applicant will in fact submit and obtain approvals of the necessary documents, as required by City Code, prior to building permit submission.

We appreciate your kind consideration of our request. Please feel free to contact me should you have any questions or concerns. Thank you.

Sincerely,

KUMMER KAEMPFER BONNER RENSHAW & FERRARIO



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